

Message Text

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ACTION IO-14

INFO OCT-01 ISO-00 IOE-00 SSO-00 NSCE-00 USIE-00 INRE-00

L-03 AF-10 ARA-16 EA-11 EUR-25 NEA-10 RSC-01 COA-02

EB-11 OIC-04 CIAE-00 DODE-00 PM-07 H-03 INR-10

NSAE-00 NSC-10 PA-04 PRS-01 SPC-03 SS-20 ACDA-19

AEC-11 AECE-00 AGR-20 CG-00 COME-00 DOTE-00 FMC-04

INT-08 JUSE-00 NSF-04 OMB-01 DRC-01 /234 W

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TAGS: PBOR, UN

SUBJECT: LOS CONFERENCE

REF: USUN 5602

1. SUMMARY: LOS CONFERENCE INITIATED FIRST FULL-SCALE DEBATE ON RULES OF PROCEDURE DEC 13, THOUGH SUBJECT HAD BEEN ENMESHED IN EARLIER DISCUSSION OF ELECTION OF OFFICERS. FORMAL AMENDMENTS WERE SUBMITTED BY USSR, THE HOLY SEE, US, TURKEY, AUSTRALIA, NETHERLANDS AND JOINTLY BY CAMEROON, CHILE, COLOMBIA, KENYA AND TANZANIA. CONSIDERATION OF AMENDMENTS HOWEVER GAVE WAY TO SHARP YET INCONCLUSIVE DISPUTE OVER HOW RULES OF PROCEDURE WOULD BE ADOPTED. AMERASINGHE PROPOSED DEADLINE OF DEC 14 PM FOR EFFORTS TO REACH CONSENSUS ON RULES OF PROCEDURE, AFTER WHICH CONFERENCE WOULD PROCEED TO VOTING ON THEM. NUMBER OF LDC REPS ENDORSED IDEA OF DEADLINE, FOLLOWED ADOPTION OF RULES BY SIMPLE MAJORITY. US, USSR, UK, FRANCE, JAPAN ALL OPPOSED ADOPTION OF CONFERENCE RULES BY SIMPLE MAJORITY. END SUMMARY. UNCLASSIFIED

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2. ORGANIZATIONAL SESSION TURNED TO FORMAL DEBATE ON RULES OF PROCEDURE AT ITS 8TH AND 9TH MEETINGS DEC 13. VARIOUS ASPECTS OF THE RULES, HOWEVER, HAD BEEN RAISED IN EARLIER DISCUSSIONS AND SOVIETS MADE LENGTHY STATEMENT ON RULES OF

PROCEDURE INCLUDING ANNOUNCEMENT OF SPECIFIC AMENDMENTS
DEC 12. ON PROPOSAL OF CHILEAN DELEGATION, CONFERENCE
HAD AGREED TO CONCENTRATE UPON KEY ELEMENTS OF RULES OF
PROCEDURE -- THOSE PROVISIONS RELATING TO CONFERENCE VOTING.

3. SOVIET REP PUSHED CONFERENCE ACCEPTANCE OF CONSENSUS AS
BASIC MEANS OF DECISION-MAKING. SOVIET PROPOSAL CALLED
FOR VOTING ONLY AFTER EFFORTS AT CONSENSUS EXHAUSTED.
DETERMINATION ON EXHAUSTION OF SUCH EFFORTS WOULD BE MADE BY
GENERAL COMMITTEE ON AFFIRMATIVE DECISION OF MAJORITY OF EACH
REGIONAL GROUP.

4. USSR PROPOSAL SET TERMS FOR ENSURING DEBATE. MEXICO,
TANZANIA, CHILE, AMONG OTHERS, ALL ATTACKED SOVIET POSITION.
THEY GENERALLY TOOK FOLLOWING LINE:

A. RULES OF PROCEDURE MUST CONTAIN EXPLICIT PROVISION FOR
VOTING.

B. TRADITIONAL MAJORITIES FOR VOTING SHOULD BE MAINTAINED--
SIMPLE MAJORITY IN COMMITTEES AND TWO-THIRDS IN PLENARY.

C. EACH MAIN COMMITTEE SHOULD DECIDE WHEN EFFORTS AT CONSENSUS
EXHAUSTED ON QUESTIONS WITHIN ITS COMPETENCE. SUCH DECISIONS
SHOULD NOT BE REFERRED TO GENERAL COMMITTEE OR PLENARY.

D. ACCEPTANCE OF SOME PROVISION TO DEFER VOTING - FOR
"COOLING OFF PERIOD" - AS INCLUDED IN RULES DRAFTED BY
SECRETARIAT -HAVE MERIT.

E. THERE SHOULD BE NO INDICATIVE VOTING.

5. ROMANIA AND YUGOSLAVIA OBJECTED TO REGIONAL GROUP VETO
ADVOCATED BY USSR. NORWAY ADVOCATED AUTONOMY FOR MAIN
COMMITTEES TO DETERMINE WHEN CONSENSUS EXHAUSTED ON ISSUES
IN THEIR RESPECTIVE DOMAINS. NORWEGIAN REP STRESSED POINT
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THAT RELATIVELY EASY VOTING COMMITTEE WOULD HELP ACHIEVE
CONSENSUS, NOTING THAT COMPLICATED PROCEDURE FOR COMMITTEE
VOTING WOULD REDUCE INCENTIVES FOR COMPROMISE.

6. FORMAL AMENDMENTS WERE TABLED BY USSR, THE HOLY SEE,
US, TURKEY, AUSTRALIA, NETHERLANDS, AND JOINTLY BY CAMEROON,
CHILE, COLOMBIA, KENYA AND TANZANIA. INTENTION TO SUBMIT
FURTHER AMENDMENTS WAS ANNOUNCED BY SPAIN AND BY TANZANIA
AND MADAGASCAR JOINTLY, THOUGH THESE AMENDMENTS HAD NOT BEEN
CIRCULATED BY SECRETARIAT AT END OF 9TH MEETING. US
AMENDMENTS CALL FOR DECISION OF CONFERENCE TO BE TAKEN BY
MAJORITIES (EITHER SIMPLE OR TWO-THIRDS) OF NATIONS PARTICIPATING
IN CONFERENCE RATHER THAN NATIONS "PRESENT AND VOTING." SOVIET
AMENDMENT NOT ONLY CALLED FOR GENERAL COMMITTEE DETERMINATION,

BY MAJORITY OF ALL REGIONAL GROUPS, OF WHEN TO PROCEED TO VOTING, BUT ALSO PROPOSED NINE-TENTHS MAJORITY FOR ALL SUBSTANTIVE QUESTIONS.

7. CHILE, COLOMBIA, AND TANZANIA, LATER JOINED BY CAMEROON AND KENYA, TABLED AMENDMENTS TO EFFECT THAT MAIN COMMITTEES OF CONFERENCE THEMSELVES DETERMINE WHEN TO PROCEED TO VOTING AND THAT PROVISION FOR INDICATIVE VOTING IN DRAFT RULES BE DELETED. HOLY SEE AND TURKEY PROPOSED SEPARATE AMENDMENTS TO PERMIT SPONSORS OF PROPOSALS TO PARTICIPATE IN DRAFTING COMMITTEE CONSIDERATION OF THESE PROPOSALS. AUSTRALIA SUGGESTED (A) DELETION OF SPECIFIC ARTICLE ON INDICATIVE VOTING ON GROUNDS THAT POWERS OF CONFERENCE PRESIDENT INCLUDE COMPETENCE TO USE SUCH PRACTICE; (B) REQUIREMENT THAT MOTION TO DEFER VOTING BE SPONSORED BY AT LEAST 15 STATES; AND (C) STRENGTHENING QUORUM REQUIREMENT TO PREVENT ADOPTION OF TEXTS BY MINORITY OF PARTICIPANTS. NETHERLANDS AMENDMENT WOULD ALLOW FOR DELAY IN VOTING UPON DECLARATION OF STATE SPONSORING PROPOSAL THAT IT FORMS PACKAGE WHICH SHOULD BE CONSIDERED AS A WHOLE.

8. EXPLANATION OF AMENDMENTS BY SPONSORS OCCUPIED PART OF AFTERNOON SESSION. CHILEAN REP, HOWEVER, SNATCHED FURTHER DISPUTE FROM THE JAWS OF ADJOURNMENT BY PUTTING QUESTION TO AMERASINGHE AS TO HOW RULES OF PROCEDURE WOULD BE ADOPTED. AMERASINGHE PROPOSED SETTING SPECIFIC DEADLINE DEC 14 PM FOR ATTEMPTS TO AGREE ON RULES OF PROCEDURE BY CONSENSUS. IF UNCLASSIFIED

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EFFORTS AT CONSENSUS FAIL BY THAT TIME, VOTING (PRESUMABLY BY SIMPLE MAJORITY) WOULD TAKE PLACE.

9. ENSUING DEBATE REVEALED CLEAR SPLIT BETWEEN GROUP OF FIVE AND LDCS PLUS AT LEAST CANADA ON ISSUE. US, USSR, JAPAN, UK AND FRANCE ALL STATED VIEW THAT RULES SHOULD NOT BE ADOPTED OL SIMPLE MAJORITY POINTING TO DOUBTFUL LEGAL VALIDITY AS WELL AS IMPORTANCE OF ISSUE TO SUCCESS OF CONFERENCE IN SUPPORT OF THEIR ARGUMENTS. SECRETARY-GENERAL'S REPRESENTATIVE STAVROPOULOS TOOK POSITION THAT ADOPTION OF RULES BY MAJORITY VOTE GENERAL PRACTICE IN UN-SPONSORED CONFERENCES SINCE FIRST LOS CONFERENCE IN 1958. VARIOUS LDCS, PARTICULARLY AFS AND LAS, ECHOED LATTER VIEW ARGUING THAT CONFERENCE RULES AS MATTER OF PROCEDURE REQUIRE ONLY SIMPLE MAJORITY FOR ADOPTION. GREECE PROPOSED COMPROMISE ON TWO-THIRDS MAJORITY FOR ACCEPTING RULES OF PROCEDURE ARGUING THAT THESE ARE CLEARLY SUBSTANTIVE MATTERS. MEETING ADJOURNED WITH AMERASINGHE PLEA FOR CONSULTATION AMONG SPONSORS OF AMENDMENTS AND OTHER INTERESTED STATES TO RESOLVE DIFFERENCES FOR SAKE OF ENABLING ORGANIZATIONAL SESSION TO COMPLETE ITS WORK. PROSPECT OF EXTENSION OF ORGANIZATIONAL SESSION BEYOND DEC 14 RAISED ITS UGLY HEAD.

10. TREATMENT OF GENTLEMEN'S AGREEMENT SURFACED ON SEVERAL OCCASIONS DURING DEBATE. US REP (STEVENSON) STRONGLY URGED CONFERENCE ACTION TO ESTABLISH INDEPENDENT APPLICABILITY OF AGREEMENT, SUGGESTING CONFERENCE RESOLUTION AS APPROPRIATE MEANS. TANZANIA DISAGREED, ARGUING THAT ADOPTION OF RULES, INCLUDING PROVISIONS TO ALLOW DELAYS IN VOTING, WOULD EXECUTE GENTLEMEN'S AGREEMENT AND TERMINATE ITS EXISTENCE. AMERASINGHE SAID THAT SECRETARIAT DRAFT RULES CONTEMPLATED INCLUSION OF GENTLEMEN'S AGREEMENT AS ANNEX TO BE READ IN CONJUNCTION WITH RULES.
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